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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,685	08/26/2003	Joshy Joseph	POU920030043US1	3776
46429	7590	08/27/2007	EXAMINER	
CANTOR COLBURN LLP-IBM POUGHKEEPSIE			SEYE, ABDOU K	
55 GRIFFIN ROAD SOUTH			ART UNIT	PAPER NUMBER
BLOOMFIELD, CT 06002			2194	
			MAIL DATE	DELIVERY MODE
			08/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/648,685

Applicant(s)

JOSEPH ET AL.

Examiner

Abdou Karim Seye

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2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 2003 and 15 December 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

WILLIAM THOMSON  
SUPERVISORY PATENT EXAMINER

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment filed on June 27, 2007 has been received and entered. The amendment amended Claims 1,6,11, 17 and 21. The currently pending claims considered below are Claims 1-30.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

Claim 6 is non statutory. The claimed systems are constructed of software program instructions which are software per se. Thus, the claimed system comprising of a simple object access protocol message header including message meta-data and semantics is considered as software program containing machine-executable instructions, per se (and not associated with any physical structure). See MPEP 2106.01 - I: "...computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional

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interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized...".

Claim 21 is non statutory. The claimed systems are constructed of software program instructions, which are software per se. Thus, the claimed system comprising of a send side framework and a receiver side framework is considered as software program containing machine-executable instructions, per se (and not associated with any physical structure). See MPEP 2106.01 - I: "...computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized...".

Claims 7-10 and 22-30 are also rejected for failing to remedy the deficiencies of the above rejected non statutory claims 6 and 21.

Appropriate corrections are required.

***Claim Rejections - 35 USC § 102***

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3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that forms the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 6-9, 11-14, 16, 18-24, 26 and 28-30 are rejected under 35 U.S.C. 102(e) as being anticipated by **Dick et al. (US 20020174218)**.

Claims 1, 6, 11 and 21 Dick teaches a method and system for dynamically associating type information about extensible messages in a service-oriented architecture, the method comprising:

configuring a simple object access protocol (SOAP) message header associated with a SOAP message body to include message meta-data and semantics describing at least a portion of the content of the SOAP message body so as to enable a receiver to interpret and process the content of the SOAP message body using the meta-data and semantics included in the SOAP message header, thereby facilitating a dynamic exchange of semantic and meta-data information for open content message exchange between a sender and a-the receiver (FIG. 1 and 2; paragraph 30-40).

Claim 2, Dick teaches ,

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wherein said SOAP message header includes an extensible mark-up language (XML) schema for an XML <any> type message (FIG. 2; paragraph 35).

Claim 3, Dick further teaches,

wherein said SOAP message header further includes at least one object system type (paragraph 100; "a set of OOP classes and objects for the message interface"). This claimed element of Dick's reference meets the claimed limitation of the claim.

Claim 4, Dick teaches,

wherein said SOAP message header further includes a resource description framework (RDF) description of the message (FIG. 3: 314; paragraph 42; paragraph 74, 87-89; "JMS") . These claimed elements of Dick's reference meets the claimed limitation of the claim.

Claim 19, Dick teaches,

wherein said one or more meta-data processors created by said server side SOAP handler is configured to load an associated XML schema from a uniform resource identifier (URI) location specified in the SOAP header (paragraph 99; "URL"). This claimed element of Dick's reference meets the claimed limitation of the claim.

Claim 20, Dick teaches,

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wherein said associating XML processor generates warning messages upon encountering at least one of XML elements and XML attributes that are unspecified by the XML schema (paragraph 32 and 36; warning messages for unrecognized header during analysis of the incoming message stream).

As per claims 7-9, 12-14, 16, 18, 22-24, 26 and 28-30, they are rejected for the same reasons as the claims above.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 10, 15, 17, 25 and 27 are rejected under 35 U.S.C. 103 (a) as being unpatentable over **Dick et al. (US 20020174218)** in view of **Stark et al (20030233420)**.

Claims 5, 10, 15, 17, 25 and 27 Dick teaches a method and system for dynamically associating type information about extensible messages in a service-oriented

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architecture as in claims 1, 6, 11 and 21 above, but he does not explicitly disclose a SOAP message header that include a reference to <any> data included within the SOAP message and defined message extension policy (rules). However, in the same field of endeavor Stark discloses a smartMessage stylesheet XML including XSL language transformation for XML that includes the <any> header for processing any message to endpoints and a rules based processing module 44 in (FIG. 4; paragraph 48-51). It would be obvious to one having ordinary skill in the art at the time the invention was made to modify Dick's invention with Stark's invention to include the <Any> header that is well known in XSL language transformation for providing an efficient and easier way to configure message content delivered to a target communication device. One would have been motivated to combine these two references in order to provide a system that would intelligently process XML-based electronic messages ( Stark; paragraph 32). Therefore to improve the overall system performance.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

James Clark , November 16, 1999, W3C " XSL transformation (XSLT) ".

Kuznetsov et al. (US 20060265689) discloses methods and apparatus for processing markup language messages in a network.



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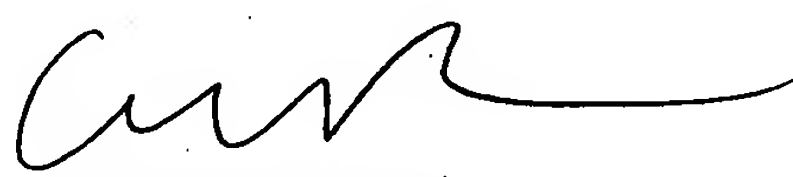
Callahan et al. (US 20020157023) discloses layering enterprise application services using semantic firewalls.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. Abdou Seye whose telephone number is (571) 270-1062. The examiner can normally be reached Monday through Friday from 7:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, contact the examiner's supervisor, William Thomson at (571) 272-3718. The fax phone number for formal or official faxes to Technology Center 3600 is (571) 273-8300. Draft or informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 273-6722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-3600.

AKS  
August 10, 2007

  
WILLIAM THOMSON  
SUPERVISORY PATENT EXAMINER